

House File 2093 - Introduced

HOUSE FILE 2093

BY R. OLSON

A BILL FOR

1 An Act establishing a senior administrative law judge program.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 10A.801, subsection 1, unnumbered
2 paragraph 1, Code 2014, is amended to read as follows:

3 For purposes of this ~~section~~ article, unless the context
4 otherwise requires:

5 Sec. 2. NEW SECTION. 10A.802 Senior administrative law
6 judge program.

7 1. The division shall establish a senior administrative
8 law judge program to provide for the employment of
9 retired administrative law judges to perform duties as an
10 administrative law judge on less than a full-time basis to
11 assist the division in performing its duties. For purposes of
12 this section, a retired administrative law judge is a person
13 who has performed duties as an administrative law judge and who
14 meets the requirements for a bona fide retirement under section
15 97B.52A.

16 2. A retired administrative law judge may be employed, at
17 the discretion of the division, to perform duties as a
18 senior administrative law judge for such time as the division
19 determines if the retired administrative law judge does all of
20 the following:

21 a. Meets the requirements for employment as an
22 administrative law judge as provided in section 10A.801 and has
23 a license to practice law in this state.

24 b. Agrees in writing on a form prescribed by the division
25 to be available to perform duties as a senior administrative
26 law judge assigned by the division for an aggregate period of
27 thirteen weeks out of each twelve-month period commencing upon
28 employment as a senior administrative law judge.

29 c. Submits evidence to the division that as of the date of
30 retirement, the senior administrative law judge does not suffer
31 from a permanent physical or mental disability which would
32 substantially interfere with the performance of duties agreed
33 to under this subsection.

34 d. Does not engage in the practice of law while employed as
35 a senior administrative law judge.

1 3. A senior administrative law judge employed by the
2 division pursuant to this section shall serve at the pleasure
3 of the division and shall not be covered by the merit system
4 provisions of chapter 8A, subchapter IV.

EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This bill creates a senior administrative law judge program
9 within the administrative hearings division of the department
10 of inspections and appeals. The program allows the division
11 to employ, at its discretion, former administrative law judges
12 who are retired to perform duties as administrative law judges
13 on less than a full-time basis.

14 The bill provides that a retired administrative law judge
15 may be employed as a senior administrative law judge if the
16 retired judge meets the requirements for employment as an
17 administrative law judge, is licensed to practice law in this
18 state, agrees to perform duties as a senior administrative
19 law judge for an aggregate period of 13 weeks in a 12-month
20 period, submits evidence to the division that the retired
21 judge is not suffering from a disability to prevent the judge
22 from performing duties as an administrative law judge, and
23 does not engage in the practice of law while employed as a
24 senior administrative law judge. The bill provides a senior
25 administrative law judge employed by the division shall serve
26 at the pleasure of the division and shall not be covered by the
27 merit system.